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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/887,553	06/22/2001	Robert Chen	RAZOR.001A	5858

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EXAMINER

MATHEW, FENN C

ART UNIT	PAPER NUMBER
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3764

DATE MAILED: 01/29/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/887,553

Applicant(s)

CHEN ET AL.

Examiner

Fenn C Mathew

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 November 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) 19 and 20 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1 and 2 is/are allowed.
- 6) ☒ Claim(s) 3-5, 10-12, 14-16, 18 and 21 is/are rejected.
- 7) ☒ Claim(s) 6-9, 13 and 17 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Election/Restrictions

1. Claims 19-20 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim. Election was made **without** traverse in Paper No. 9. Applicant's arguments to consider claims 1-18 and 21 as comprising species I was persuasive. Thus claims 1-18 and 21 are pending for prosecution in this action.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 3 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rudell (U.S. 4,390,178) in view of Samiran (U.S. 3,773,320) and Lee (U.S. 6,173,976). Referring to claim 3, Rudell discloses a pogo stick including a footrest, a handlebar (24) including an elongate member slideably coupled to the footrest (as best understood by the examiner), grips supported at a top end of the elongated member, and a positioning device for releasably holding the elongate member in a fixed position relative to the footrest (col. 3, lines 25-35, roller bearing meets limitations of positioning device, as broadly claimed). Rudell fails to teach collapsible footrests. Samiran teaches footrests

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that are pivotally attached so that they may be folded up into a vertical idle position. It would have been obvious to one having ordinary skill in the art at the time of invention to provide Rudell with pivoting footrests as taught by Samiran in order to make the device more compact, and easier for storage. Furthermore, Rudell fails to teach collapsible grips. Lee teaches in a device with handlebars or grips that it is desirable to have the handlebars collapsible for ease of storage and/or transportation. Therefore, it would have been obvious to one having ordinary skill in the art at the time of invention to have the grips of Rudell collapsible as taught by Lee in order to transport or store more easily. Regarding claim 18, removal of (25) would allow free rotation or adjustment of the footrest about the vertical axis.

4. Claim 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Oh (WO 99/61111) in view of Lee and Woodall (U.S. 2,865,633). Oh discloses a pogo stick including an elongated member (7), grips at the top of the elongated member, a pneumatic spring cylinder (5), and a shaft extending from the cylinder (2). Oh fails to teach collapsible grips. Lee teaches in a device with handlebars or grips that it is desirable to have the handlebars collapsible for ease of storage and/or transportation. Therefore, it would have been obvious to one having ordinary skill in the art at the time of invention to have the grips of Oh collapsible as taught by Lee in order to transport or store more easily. Furthermore, Oh fails to teach a positioning device for releasably holding the elongate member in a fixed position relative to the cylinder. Woodall teaches that it is desirable to have the elongated member threadedly attached to the pneumatic cylinder in order to allow for fixed connection, and for easy removal if

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disassembly is required. Therefore, it would have been obvious to one having ordinary skill in the art at the time of invention to provide the elongated member of Oh with threading (positioning device) to threadedly attach to the cylinder as taught by Woodall in order to provide secure connection.

5. Referring to claim 10-12, the modified Oh device discloses adjustable valves/pump (10) in order to adjust air pressure in the cylinder.

6. Claim 5 and 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Oh in view of Lee and Woodall as applied to claim 4 above, and further in view of Samarin. Oh discloses the claimed invention above, but fails to teach collapsible footrests. Samiran teaches footrests that are pivotally attached so that they may be folded up into a vertical idle position. It would have been obvious to one having ordinary skill in the art at the time of invention to provide Rudell with pivoting footrests as taught by Samiran in order to make the device more compact, and easier for storage.

7. Referring to claim 14, see rejections of claims 4 and 5 above. Furthermore, Lee teaches the grips including a middle tube transversely mounted to and upper tube, the middle tube having first and second ends, and first and second grips coupled to the first and second ends.

8. Referring to claim 15, the modified Oh teaches a pneumatic spring.

9. Referring to claim 16, Lee teaches the first and second grips detachably attached to the middle tube.

10. Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Herman (U.S. 6,503,177) in view of Lee and Samarin. Herman discloses a pogo stick

comprising a handlebar (20), grips (40) and a footrest (150), a shaft (30) slidably coupled to the footrest and extending downward for engagement with the ground, a spring (116) coupled to the shaft and tending to urge the shaft outward from the footrest, and means for raising and lowering the handlebar relative to the footrest (inherently when handlebar is pushed down, it is lowered. Claim taken as best understood by examiner, as claim refers to a single elongated member with grips at one end and a footrest at a second end.

Allowable Subject Matter

11. Claims 1-2 are allowed. Claims 6-9, 13, and 17 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. The prior art of record fails to teach a pair of upper and lower members telescoping into one another and supporting a cylinder having a pneumatic spring piston. Furthermore, the prior art fails to teach the above structure and a manual pump substantially located within a tipped bottom shaft.

Conclusion

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Tung	U.S. 6,428,021
Chen	U.S. 6,301,749
Rasanen	U.S. 3,853,195
Middleton	U.S. 6,558,265

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Fenn C Mathew whose telephone number is (703) 305-2846. The examiner can normally be reached on Monday - Friday 9:00am - 5:30pm.

The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9302.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1148.



NICHOLAS D. LUCCHESI
SENIOR PATENT EXAMINER
TECHNOLOGY CENTER 3700


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January 26, 2004